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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,568	11/06/2003	James R. DeFrancesco	DLT-002DIV	8714
51414 7590 05/28/2008 GOODWIN PROCTER LLP PATENT ADMINISTRATOR EXCHANGE PLACE BOSTON, MA 02109-2881				
EXAMINER NGUYEN, NGA B				
ART UNIT 3692		PAPER NUMBER		
MAIL DATE 05/28/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/702,568

Applicant(s)

DEFRANCESCO ET AL.

Examiner

Nga B. Nguyen

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 5/5/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on February 26, 2008, which paper has been placed of record in the file.
2. Claims 1-22 are pending in this application.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on May 5, 2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Terminal Disclaimer

4. The terminal disclaimer filed on February 26, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the U.S. Patent No. 7,181,427 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments/Amendment

5. Applicant's arguments and amendment regarding to Double Patenting, 35 USC § 101 and 35 USC § 112 rejections with respect to claims 1-22 have been fully considered and are persuasive.

The Terminal Disclaimer disclaiming over the U.S. Patent No. 7,181,427 overcomes the Double Patenting rejection.

The amended claims 1-11 overcomes the 35 USC § 101 and 35 USC § 112 rejection.

6. Applicant's arguments regarding to 35 USC § 102 with respect to claims 1-22 have been fully considered but are not persuasive.

In response to the applicant's argument that Bennett does not disclose "computer instructions for execution at said host for selectively forwarding said received credit application to one or more of said plurality of funding sources," and "computer instructions for execution at said host for receiving said funding decision from said at least one of said one or more of said plurality of funding sources", examiner submits that the "**one or more**" recited in the claims does not require that the "host system" plays the role of an intermediary between the claimed dealer web site and the claimed plurality of funding sources, the prior art can show that the "host system" plays the role of an intermediary between the claimed dealer web site and one of said plurality of funding sources, meets the claimed invention. Thus, Bennett's "Credit Server" that acts as an intermediary between a dealer web site and a single funding source meets the claimed invention. Therefore, Bennett does teach "computer instructions for execution at said host for selectively forwarding said received credit application to one or more of said plurality of funding sources," and "computer instructions for execution at said host for receiving said funding decision from said at least one of said one or more of said plurality of funding sources."

In conclusion, for the reason set forth above, examiner decides to maintain the Bennett reference for rejection and make this Office action FINAL.

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al (hereinafter Bennett), U.S. Patent No. 6,603,487.

Regarding to claim 12, Bennett discloses a system for providing a closed loop credit decision process for a consumer at a dealer web site, said system comprising:

a communications medium (figure 1 and column 2, lines 18-25, Internet hub 12 with radial electronic links to dealer work stations 14 and financial institutions 16);

a host system to implement and control an interactive credit application and routing system; said host system connected to said communications medium (column 6, lines 48-62, Credit Server transfers data from the dealership to and from the financial institutions);

a dealer web site, said dealer web site connected to said communications medium; said dealer web site for providing a credit application to be completed by a consumer and for forwarding a completed credit application to said host system together with information that identifies said dealer (figure 1 and column 2, lines 27-55, dealer work stations 14 transfer credit application over the Internet to a server);

a plurality of funding sources connected to said communications medium (figure 1 and column 2, lines 18-25, financial institutions 16); and

wherein said host system configured for receiving said credit application from said dealer web site and for selectively forwarding said received credit application to one or more of said plurality of funding sources, for receiving a funding decision from said at least one of said one or more of said plurality of funding sources; and for forwarding said received funding decision to said dealer web site (column 6, lines 48-62, Credit Server transfers data from the dealership to and from the financial institutions).

Regarding to claim 13, Bennett further discloses wherein said host further forwards said received funding decision to said dealer terminal (column 2, lines 43-50, credit decision is transmitted back to the dealer over the Internet).

Regarding to claim 14, Bennett further discloses wherein said host further forwards said received funding decision to said dealer by facsimile (column 6, lines 5-15, dealer submits a credit application both in E-mail and fax).

Regarding to claim 15, Bennett further discloses wherein said host further stores said received funding decision at said host (column 6, line 48-column 7, line 5).

Regarding to claim 16, Bennett further discloses wherein said host further generates lead information about said credit application process for dealer follow-up (column 7, lines 8-60, credit server stores contract, applications and other misc. forms).

Regarding to claim 17, Bennett further discloses wherein said lead information includes consumer contact information, vehicle information and information about whether the application process is complete or incomplete (column 7, lines 6-30, credit server stores contract, applications and other misc. forms).

Regarding to claim 18, Bennett further discloses wherein said host further receives and forwards contract information electronically to said at least one of said one or more of said plurality of funding sources for verification of said contract information (column 6, lines 48-62, Credit Server transfers data from the dealership to and from the financial institutions).

Regarding to claim 19, Bennett further discloses wherein said dealer web site provides information about the status of said credit application (figure 10 and column 8,

lines 23-28).

Regarding to claim 20, Bennett further discloses wherein said dealer web site provides authorized access to information about the status of said credit application (figure 10 and column 8, lines 23-28).

Regarding to claim 21, Bennett further discloses wherein said authorized access utilizes password information (figure 3 and column 8, lines 1-5).

Regarding to claim 22, Bennett further discloses wherein said host further forwards related disclosures together with said received funding decision to said dealer web site (column 6, lines 48-62, Credit Server transfers data from the dealership to and from the financial institutions).

Claims 1-11 contain similar limitations found in claims 12-22 above, therefore, are rejected by the same rationale.

Conclusion

10. Claims **1-22** are rejected.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Nga B. Nguyen/

Primary Examiner, Art Unit 3692

May 23, 2008